

ASSEMBLY BILL

No. 1716

Introduced by Assembly Member Haynes

February 22, 2005

An act to amend Section 9880.1 of the Business and Professions Code, relating to automotive repair.

LEGISLATIVE COUNSEL'S DIGEST

AB 1716, as introduced, Haynes. Automotive repair.

Existing law, the Automotive Repair Act, establishes the Bureau of Automotive Repair under the supervision and control of the Director of Consumer Affairs. The act provides for the registration and regulation of automotive repair dealers and authorizes the director to adopt regulations to implement its provisions. The act defines various terms for the purposes of its provisions.

This bill would define the terms “fraud” and “standards of automotive repair” for purposes of the act.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 9880.1 of the Business and Professions
- 2 Code is amended to read:
- 3 9880.1. The following definitions apply for the purposes of
- 4 this chapter:
- 5 (a) “Automotive repair dealer” means a person who, for
- 6 compensation, engages in the business of repairing or diagnosing
- 7 malfunctions of motor vehicles.

1 (b) “Chief” means the Chief of the Bureau of Automotive
2 Repair.

3 (c) “Bureau” means the Bureau of Automotive Repair.

4 (d) “Motor vehicle” means a passenger vehicle required to be
5 registered with the Department of Motor Vehicles and all
6 motorcycles whether or not required to be registered by the
7 Department of Motor Vehicles.

8 (e) “Repair of motor vehicles” means all maintenance of and
9 repairs to motor vehicles performed by an automotive repair
10 dealer including automotive body repair work, but excluding
11 those repairs made pursuant to a commercial business agreement
12 and also excluding repairing tires, changing tires, lubricating
13 vehicles, installing light bulbs, batteries, windshield wiper blades
14 and other minor accessories, cleaning, adjusting, and replacing
15 spark plugs, replacing fan belts, oil, and air filters, and other
16 minor services, which the director, by regulation, determines are
17 customarily performed by gasoline service stations.

18 No service shall be designated as minor, for purposes of this
19 section, if the director finds that performance of the service
20 requires mechanical expertise, has given rise to a high incidence
21 of fraud or deceptive practices, or involves a part of the vehicle
22 essential to its safe operation.

23 (f) “Person” includes firm, partnership, association, limited
24 liability company, or corporation.

25 (g) An “automotive technician” is an employee of an
26 automotive repair dealer or is that dealer, if the employer or
27 dealer repairs motor vehicles and who for salary or wage
28 performs maintenance, diagnostics, repair, removal, or
29 installation of any integral component parts of an engine,
30 driveline, chassis or body of any vehicle, but excluding repairing
31 tires, changing tires, lubricating vehicles, installing light bulbs,
32 batteries, windshield wiper blades, and other minor accessories;
33 cleaning, replacing fan belts, oil and air filters; and other minor
34 services which the director, by regulation, determines are
35 customarily performed by a gasoline service station.

36 (h) “Director” means the Director of Consumer Affairs.

37 (i) “Commercial business agreement” means an agreement,
38 whether in writing or oral, entered into between a business or
39 commercial enterprise and an automobile repair dealer, prior to
40 the repair which is requested being made, which agreement

1 contemplates a continuing business arrangement under which the
2 automobile repair dealer is to repair any vehicle covered by the
3 agreement, but does not mean any warranty or extended service
4 agreement normally given by an automobile repair facility to its
5 customers.

6 (j) "Customer" means the person presenting a motor vehicle
7 for repair and authorizing the repairs to that motor vehicle.
8 "Customer" shall not mean the automotive repair dealer
9 providing the repair services or an insurer involved in a claim
10 that includes the motor vehicle being repaired or an employee or
11 agent or a person acting on behalf of the dealer or insurer.

12 (k) "*Fraud*" means that which is not compliant with the
13 provisions of this chapter.

14 (l) "*Standards of automotive repair*" means that which is
15 compliant with current legal practices under the provisions of
16 this chapter and any administrative regulations adopted
17 thereunder.